

# COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION

**COMMISSIONERS:**

EVELYN V. MARTINEZ  
VANGE FELTON  
CAROL FOX  
LYNN ADKINS  
Z. GREG KAHWAJIAN

## **2011 ANNUAL REPORT**



**Lawrence D. Crocker, Executive Director**

## **I. INTRODUCTION**

The Civil Service Commission (“Commission”) is the only County Charter mandated independent Commission, and serves as the quasi-judicial appellate body for classified employees who have been disciplined, *i.e.*, discharged, reduced, and/or suspended in excess of five days. In addition, the Commission has jurisdiction regarding allegations of discrimination in the imposition of discipline or the treatment of persons seeking employment in the classified service of the County. The Commission also hears appeals of employees, and persons seeking employment, of the scored portions of examinations. Additionally, the Commission serves as the administrative appeals body for a number of cities that directly contract with the County.

The Commission is comprised of five (5) Commissioners appointed by the Board of Supervisors. The current Commissioners are:

Evelyn Martinez	First District
Vange Felton	Second District
Carol Fox	Third District
Lynn Adkins	Fourth District
Z. Greg Kahwajian	Fifth District

The Commission’s day-to-day operations are overseen by the Larry Crocker, Executive Director, who manages a staff of seven (7) full-time employees and three (3) Student Workers:

Steve Cheng	Head, Civil Service Commission
Lupe Castellanos	Custodian of Records
Steve Erickson	Head Commission Specialist
Luz Delgado	Acting Head Commission Specialist
Harry Chang	Intermediate Commission Specialist
Juan Mendoza	Commission Specialist
Vacant	Commission Specialist
William Moringlane	Student Worker
Sona Mkrtchyan	Student Worker
Alexis Ly	Student Worker

## **II. APPEALS PROCESS**

The appeals process commences with the filing of a petition for hearing. For 2011, the CSC has received 393 Petitions for Hearing (246 disciplinary and 147 discretionary). The disciplinary matters include 118 discharges, 117 suspensions, and 11 reductions. The Commission granted hearings in 163 cases filed in Calendar Year 2011.

When a matter is granted a hearing, the case is assigned to one of the Commission's Hearing Officers. The Hearing Officers serve as the "Trier of Fact" and preside over evidentiary hearings. Parties to hearings have the opportunity to present, subpoena, and cross-examine witnesses. In disciplinary matters, the Los Angeles County Civil Service Rules, as adopted by the Board of Supervisors, provide that the burden of proof is on the Department, and in all other cases the burden of proof is on the petitioner. Subsequent to the close of hearings, the Hearing Officers submit reports and recommendations for the Commission's consideration. Hearing Officers' reports must include findings of fact and conclusions of law. If the Commission adopts a Hearing Officer's recommendation, any party aggrieved by the proposed decision may file objections; if based upon objections the Commission adopts a new proposed decision, any party who has not previously filed objections may do so. After all parties have been provided an opportunity to submit objections and present them orally at the Commission's regular meeting, the Commission renders its final decision.

As of the end of the 4<sup>th</sup> Quarter of 2011, 503 matters were closed with 139 of those the result of completion of the hearing process. Of the 139 cases, the Departments' actions were upheld in 116 cases (83.4%). The Departments' discipline was modified in 13 cases (9.4%), and not sustained at all in ten (10) matters (7.2%). The following pages contain statistical and graphical breakdowns of the petitions that were filed and the decisions rendered post-hearing by the Commission.

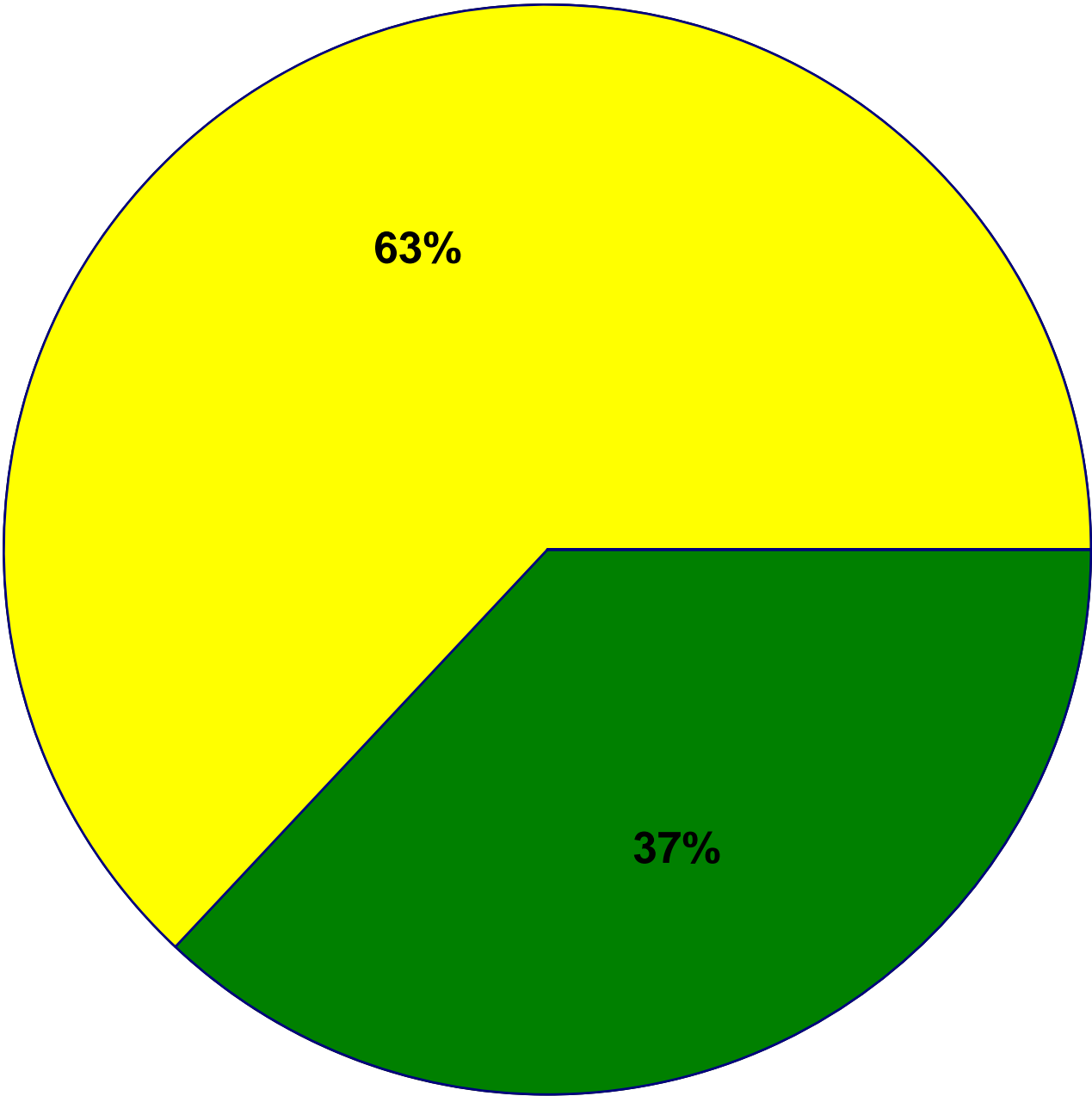
## 2011 Petitions for Hearing

<b>Department</b>	<b>Total</b>	<b>Discretion</b>
Animal Control	2	0
Assessor	1	1
Beaches and Harbor	1	0
Child Support Services	3	0
Department of Children and Family Services	34	15
Community and Senior Services	3	2
Consumer Affairs	1	0
Coroner	1	0
District Attorney	1	0
Fire	30	17
Health Services	45	2
Department of Human Resources	25	25
Internal Affairs	4	1
Manhattan Beach	1	0
Mental Health	25	6
Parks and Recreation	9	0
Probation	28	2
Public Defender	1	0
Public Health	9	2
Public Library	2	0
Public Social Services	29	8
Public Works	16	5
*City of Redondo Beach	1	0
Registrar-Recorder / County Clerk	3	0
Sheriff	116	61
Treasurer and Tax Collector	2	0
<b>Totals</b>	<b>393</b>	<b>147</b>

\*Contract City

**Civil Service Commission  
2011 Case Data**

**Disciplinary Cases  
246**

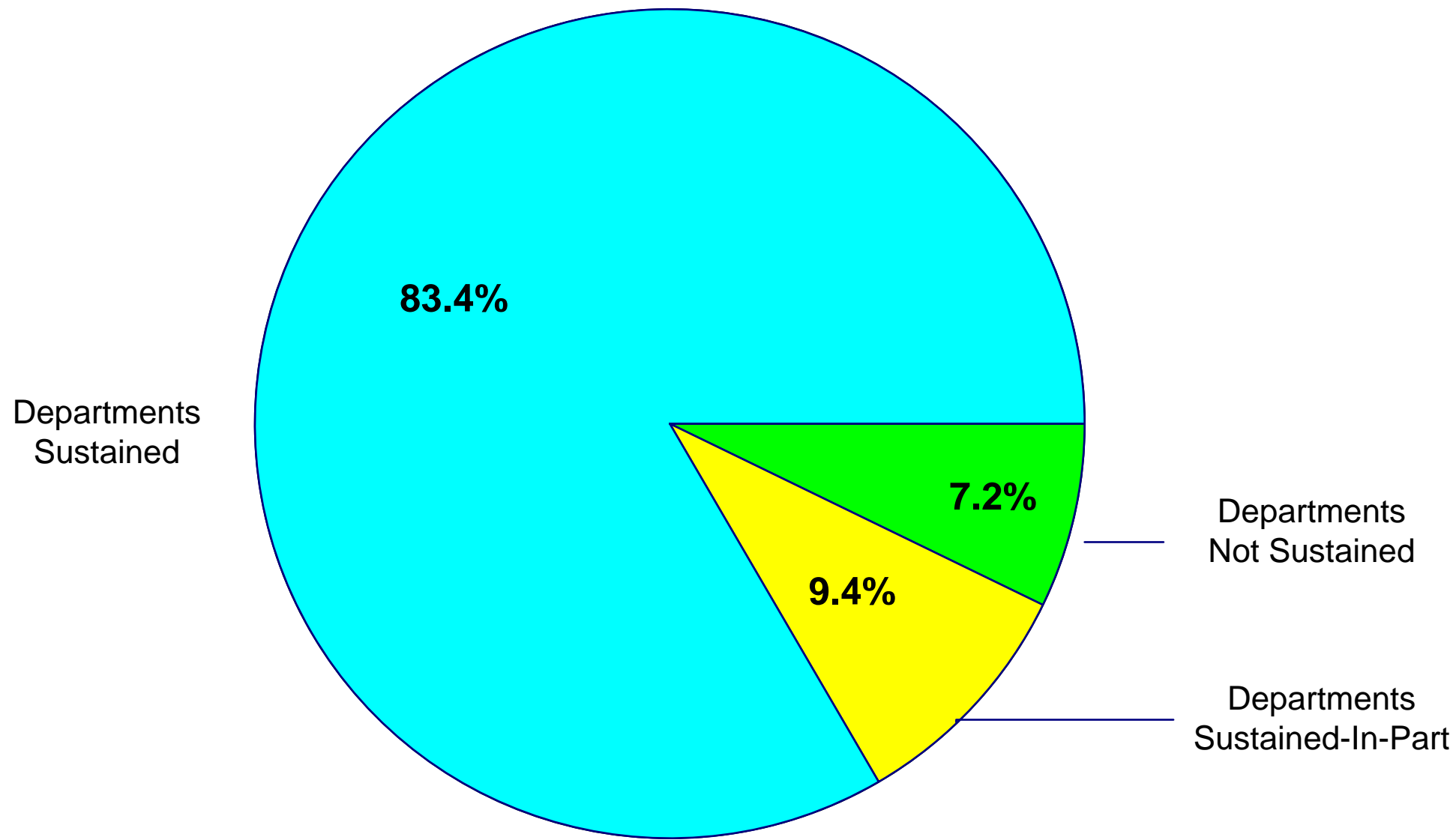


**Discretionary Cases  
147**

### 2011 Post-Hearing Decisions

Department	Sustained	Not Sustained	Sustained In Part
Agriculture Commission	1 (100%)		
Animal Control	3 (100%)		
Assessor	1 (100%)		
Child Support Services	1 (50%)	1 (50%)	
Contract City	1 (100%)		
DCFS	11 (79%)	1 (8%)	2 (13%)
Fire	2 (100%)		
Health Services	20 (80%)	3 (12%)	2 (8%)
Internal Services	4 (100%)		
Mental Health	5 (100%)		
OPS	2 (100%)		
Parks and Recreation	1 (100%)		
Probation	14 (67%)	1 (5%)	6 (28%)
Public Health	4 (100%)		
DPSS	23 (96%)	1 (4%)	
Public Works	1 (50%)		1 (50%)
Sheriff	16 (76%)	3 (14%)	2 (10%)
Treasure and Tax Collector	6 (100%)		
<b>Totals</b>	<b>116 (83.4%)</b>	<b>10 (7.2%)</b>	<b>13 (9.4%)</b>

**CIVIL SERVICE COMMISSION  
2011 POST-HEARING OUTCOMES**



## **DISCIPLINE OVERTURNED OR MODIFIED BY THE COMMISSION**

1. **Case No. 09-1437, Gloria Mitchell – DHS** (Dept. not sustained) - The Department suspended the employee for 30 days from her position as Personnel Technician, for bad conduct and job performance. The Commission stated “the Department did not bear its burden of proving all of the allegations against the Petitioner by a preponderance of the evidence.”
2. **Case No. 09-1039, Alicia De La Cueva – Child Support Services** (Dept. not sustained) - The Department suspended the employee for 30 days from her position as Supervising Child Support Officer, for improperly accessing the child support records of an individual the employee knew. The Commission stated “the Department did not bear its burden of proving all of the allegations against the Petitioner by a preponderance of the evidence.”
3. **Case No. 10-183, (Peace Officer) - Probation** (Dept. not sustained) - The Department suspended the employee 20 days from her position as Deputy Probation Officer I, for inappropriate conduct toward a member of the public. The employee allegedly contacted a member of the public and discussed the person’s family history of mental illness. The person lodged a complaint. The Commission adopted the findings of the Hearing Officer who found that the Petitioner’s off-duty conduct was not inconsistent with her employment with the Department.
4. **Case No. 08-5021, Lucino Garcia – Health Services** (Dept. not sustained) – The Department suspended the employee for 15 days from her position as Nursing Assistant, for being discourteous to the charge nurse and the public. The Commission stated “the Department did not bear its burden of proving all of the allegations against the Petitioner by a preponderance of the evidence.”
5. **Case No. 08-4093, David Beck – Health Services** (Dept. not sustained) – The Department suspended the employee from his position as Programs Administrator, for failing to carryout supervisory duties and responsibilities adequately. The Commission stated “the Department did not bear its burden of proving all of the allegations against the Petitioner by a preponderance of the evidence.”
6. **Case No. 08-397P, (Peace Officer) - Sheriff** (Dept. not sustained) - The Department discharged the employee from his position as Deputy Sheriff, for inappropriate sexual conduct toward a member of the public. The Commission stated “based on the Hearing Officer’s findings of fact and conclusion of law no. 2, the allegations which were the basis of the discipline were not proven.”
7. **Case No. 07-110, (Peace Officer) - Sheriff** (Dept. not sustained) - The Department suspended the employee for 15 days from his position as Deputy Sheriff, for accessing arrest records for an acquaintance without authorization. The Commission adopted the recommendation of the Hearing Officer in not sustaining the suspension. The Hearing Officer found that the Department did not meet its burden of proof with respect to the allegations.
8. **Case No. 10-66, Lorna Hornbeek - DCFS** (Dept. not sustained) - The Department suspended the employee for 30 days from her position as Supervising Children’s Social Worker, for removing children from the home based upon a false positive drug test by the mother. The Commission adopted the findings of the Hearing Officer that the evidence presented did not support the charges against the employee.
9. **Case No. 09-1009, (Peace Officer) – Sheriff** (Dept. not sustained) - The Department released the employee during her probationary period as a Deputy Sheriff. The Commission originally found that the discharge was during the probationary period. The Commission subsequently vacated its decision sustaining the Department as commanded by the Superior Court.



**10. Case No. 08-4040, Melissa Rhodes – DPSS** (Dept. Not Sustained) – The Department suspended the employee for 15 days from her position as Eligibility Supervisor, alleging that she accessed case information without proper authorization. The Commission adopted the recommendation of the Hearing Officer in not sustaining the suspension. The Hearing Officer found that the Department did not meet its burden of proof with respect to the allegations.

### **Discipline Modified**

**11. Case No. 09-1371, Jacquelyn Steward - DCFS** (Discipline modified) - The Department suspended the employee for 30 days from her position as Supervising Children's Social Worker, for negligent supervision of a case. The Commission agreed with the Hearing Officer that the Department did not prove all of the allegations by a preponderance of the evidence, but that the allegation that was proved warranted a 20 day suspension rather than three (3) days as recommended by the Hearing Officer.

**12. Case No. 09-1265, Marie Brown - DCFS** (Discipline modified) - The Department discharged the employee from her position as Human Services Aide, for failing to report her involvement in a "Family Law matter." The Commission adopted the recommendation of the Hearing Officer to reduce the discharge to a 25 day suspension (Commissioner Adkins dissented). The Hearing Officer found that the Department did not prove all of the allegations.

**13. Case No. 09-1179, (Peace Officer) - Probation** (Discipline modified) – The Department suspended the employee for 30 days from his position as Deputy Probation Officer II, for dishonesty, dereliction of duty, failure to perform duties, and negligent supervision. The Commission reduced the suspension to 20 days adding a new conclusion of law stating "[t]he Department's supervisor failed to properly supervise, monitor, and document the work of the appellant in order to improve his performance."

**14. Case No. 09-1503, (Peace Officer)- Probation** (Discipline modified) - The Department discharged the employee from his position as Group Supervisor Nights, for workplace violence and unprofessional behavior. The Commission adopted the recommendation of the Hearing Officer who stated that given the "aggravating and mitigating aspects of the case" a thirty day suspension was appropriate.

**15. Case No. 10-35, (Peace Officer)- Probation** (Discipline modified) - The Department suspended the employee for 20 days from his position as Senior Detention Services Officer, for negligent supervision and failure to perform job duties. The Commission adopted the recommendation of the Hearing Officer who found that the Department proved that some of the allegations and that some discipline was appropriate. The suspension was reduced from 20 days to 10. The Department did not file objections to the proposed decision.

**16. Case No. 09-1144, (Peace Officer) – Probation** (Discipline modified) – The Department suspended the employee for 10 days from her position as Deputy Probation Officer II, for conduct unbecoming an officer and inappropriate use of the employee's identification. The Commission adopted the recommendation of the Hearing Officer to reduce the 10 day suspension to 3 days. The Hearing Officer found that the Department did not prove all of the allegations.

**17. Case No. 09-1154, (Peace Officer) – Probation** (Discipline modified) – The Department discharged the employee from his position as Deputy Probation Officer I, for misuse of force and conduct unbecoming a peace officer. The Commission adopted the recommendation of the Hearing Officer to reduce the discharge to a 30 day suspension. The Hearing Officer found that the Department did not prove all of the allegations.

- 18. Case No. 10-213, (Peace Officer) – Probation** (Discipline modified) - The Department suspended the employee for 20 days from his position as Supervising Deputy Probation Officer, for failure to perform duties as a supervisor, as well as sending and receiving an email of a sexual nature. The Commission rejected the Hearing Officer's recommendation to reduce the 20 day suspension to 5 days and imposed a 10 day suspension finding that the Department did not prove that a 20 day suspension was appropriate.
- 19. Case No. 09-1512, Garish Reknar – Health Services** (Discipline modified) – The Department discharged the employee from his position as Senior Information Systems Analyst, for failure to follow rules and regulations, providing false or misleading information, and misuse of government equipment. The Commission agreed with the Hearing Officer that the Department did not prove all of the allegations by a preponderance of the evidence and that a discharge was inappropriate. The discharge was reduced to a 30 day suspension with no back pay awarded.
- 20. Case No. 10-103, Michelle Simmons – Health Service** (Discipline modified) – The Department discharged the employee from her position as a Nursing Attendant I, for excessive tardiness. The Commission adopted the Hearing Officer's recommendation reducing the 10 day suspension to 7 days finding that while the department proved the allegations to be true, the department did not bear its burden of proving that the discipline was appropriate.
- 21. Case No. 10-273, Fabian Escalante - Sheriff** (Discipline modified) - The Department discharged the employee from his position as Technology Specialist II, for sexual harassment. The Commission adopted the recommendation of the Hearing Officer, who found that the Department proved that some of the allegations, and reduced the discharge to a 10 day suspension and a reduction in classification grade.
- 22. Case No. 09-1410, (Peace Officer) - Sheriff** (Discipline modified) - The Department suspended the employee for 10 days from his position as Deputy Sheriff, for appearing to be intoxicated when he attempted to pick up an off-duty Deputy who had been arrested for DUI. The Commission adopted the findings and recommendation of the Hearing Officer, holding that the Department did not bear its burden of proving all of the allegations by a preponderance of the evidence. The ten (10) day suspension was reduced to a written warning.
- 23. Case No. 10-436, Kevin Richardson - DPW** (Discipline modified) - The Department discharged the employee from his position as Public Works Laborer, for failing to maintain a valid driver's license. The Commission rejected the recommendation of the Hearing Officer to not sustain the Department in the discharge, and imposed a 30 day suspension instead.

### **III. OBSERVATIONS AND RECOMMENDATIONS**

As the quasi-judicial appellate body for the County, the Commission has a unique perspective on the current Civil Service System, particularly in matters that come before it. Over the course of the year, the Commission has observed and commented on a number of areas where the parties can take steps to resolve issues before they become an item on the Commission's agenda. We have noted that on numerous occasions the parties have not met to discuss issues in discretionary examination appeals until the day of the Commission's agenda meeting and usually not until the matter has been called and the parties stand at the podium.

The Commission strongly encourages the parties to meet in order for the Department conducting the exam and the employee discuss what occurred during the course of the employment examination. Employees often just want to know how their score was calculated and what steps he or she can take to obtain a higher overall score in the future.

The Commission's continues to stress that the Departmental notices of appeal rights should more clearly explain what an employee or candidate for employment must demonstrate in order to invoke the jurisdiction of the Commission. A well written notice, in plain English, will ensure that the employee or candidate fully understands all that is involved in pursuing a discretionary appeal.

Parties to Commission proceedings should note that Civil Service Rule 4.17 requires the parties to meet no later than 10 business days prior to the hearing date in order to agree to a written statement setting forth the specific facts or contentions in issue. The rule further provides that "If either party does not attend the pre-hearing conference and participate in attempting the preparation of the statement in writing, the hearing [officer] shall accept the statement of the other party as to the facts and contentions in issue . . . ." The Commission encourages the parties to meet reach agreement on facts and issues to the extent possible to expedite the hearing process.